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Attorneys for Defendant  
CENTENNIAL RESTAURANTS LLC

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

CRAIG YATES, an individual; and  
DISABILITY RIGHTS, ENFORCEMENT,  
EDUCATION, SERVICES: HELPING  
YOU HELP OTHERS, a California public  
benefit corporation,

Plaintiffs,

vs.

BURGER KING #3157; SYERS  
PROPERTIES I LP, a limited partnership  
and CENTENNIAL RESTAURANTS LLC,  
a limited liability company,

Defendants.

**No. C08-00737 JCS**

**DEFENDANT CENTENNIAL  
RESTAURANTS LLC'S ANSWER TO  
COMPLAINT FOR INJUNCTIVE  
RELIEF AND DAMAGES**

**Demand for Jury Trial**

**INTRODUCTION**

1. Answering paragraph 1, Defendant Centennial Restaurants LLC ("Defendant") is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, and on that basis denies each and every allegation contained therein.

2. Answering paragraph 2, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, and on that basis denies each and every allegation contained therein.

**JURISDICTION AND VENUE**

3. Answering paragraph 3, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, and on that basis denies each and every allegation contained therein.

4. Answering paragraph 4, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, and on that basis denies each and every allegation contained therein.

**PARTIES**

5. Answering paragraph 5, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, and on that basis denies each and every allegation contained therein.

6. Answering paragraph 6, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, and on that basis denies each and every allegation contained therein.

7. Answering paragraph 7, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, and on that basis denies each and every allegation contained therein.

8. Answering paragraph 8, Defendant admits that it operates the Burger King restaurant located at or near 211 McDowell Boulevard, Petaluma, California, but and for that admission is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in said paragraph, and on that basis denies each and every allegation contained therein.

9. Answering paragraph 9, Defendant admits that the Burger King restaurant is open to the general public, and but and for that admission is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in said paragraph, and on that basis denies each and every allegation contained therein.

///

1           10. Answering paragraph 10, Defendant is without sufficient knowledge or  
2 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
3 that basis denies each and every allegation contained therein.

4                           **PRIMARY FACTUAL ALLEGATIONS**

5           11. Answering paragraph 11, Defendant admits that Burger King is a restaurant  
6 located at or near 211 McDowell Boulevard, Petaluma, California, and but and for that  
7 admission is without sufficient knowledge or information to form a belief as to the truth of the  
8 remaining allegations contained in said paragraph, and on that basis denies each and every  
9 allegation contained therein.

10           12. Answering paragraph 12, Defendant is without sufficient knowledge or  
11 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
12 that basis denies each and every allegation contained therein.

13           13. Answering paragraph 13, Defendant is without sufficient knowledge or  
14 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
15 that basis denies each and every allegation contained therein.

16           14. Answering paragraph 14, Defendant is without sufficient knowledge or  
17 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
18 that basis denies each and every allegation contained therein.

19           15. Answering paragraph 15, Defendant is without sufficient knowledge or  
20 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
21 that basis denies each and every allegation contained therein.

22           16. Answering paragraph 16, Defendant is without sufficient knowledge or  
23 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
24 that basis denies each and every allegation contained therein.

25           17. Answering paragraph 17, Defendant is without sufficient knowledge or  
26 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
27 that basis denies each and every allegation contained therein.

1           18.    Answering paragraph 18, Defendant is without sufficient knowledge or  
2 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
3 that basis denies each and every allegation contained therein.

4           19.    Answering paragraph 19, Defendant is without sufficient knowledge or  
5 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
6 that basis denies each and every allegation contained therein.

7           20.    Answering paragraph 20, Defendant is without sufficient knowledge or  
8 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
9 that basis denies each and every allegation contained therein.

10          21.    Answering paragraph 21, Defendant is without sufficient knowledge or  
11 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
12 that basis denies each and every allegation contained therein.

13          22.    Answering paragraph 22, Defendant is without sufficient knowledge or  
14 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
15 that basis denies each and every allegation contained therein.

16          23.    Answering paragraph 23, Defendant is without sufficient knowledge or  
17 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
18 that basis denies each and every allegation contained therein.

19          24.    Answering paragraph 24, Defendant is without sufficient knowledge or  
20 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
21 that basis denies each and every allegation contained therein.

22          25.    Answering paragraph 25, Defendant is without sufficient knowledge or  
23 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
24 that basis denies each and every allegation contained therein.

25          26.    Answering paragraph 26, Defendant is without sufficient knowledge or  
26 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
27 that basis denies each and every allegation contained therein.

1           27. Answering paragraph 27, Defendant is without sufficient knowledge or  
2 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
3 that basis denies each and every allegation contained therein.

4           28. Answering paragraph 28, Defendant is without sufficient knowledge or  
5 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
6 that basis denies each and every allegation contained therein.

7           29. Answering paragraph 29, Defendant is without sufficient knowledge or  
8 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
9 that basis denies each and every allegation contained therein.

10          30. Answering paragraph 30, Defendant is without sufficient knowledge or  
11 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
12 that basis denies each and every allegation contained therein.

13          31. Answering paragraph 31, Defendant is without sufficient knowledge or  
14 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
15 that basis denies each and every allegation contained therein.

16          32. Answering paragraph 32, Defendant is without sufficient knowledge or  
17 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
18 that basis denies each and every allegation contained therein.

19          33. Answering paragraph 33, Defendant is without sufficient knowledge or  
20 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
21 that basis denies each and every allegation contained therein.

22          34. Answering paragraph 34, Defendant is without sufficient knowledge or  
23 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
24 that basis denies each and every allegation contained therein.

25          35. Answering paragraph 35, Defendant is without sufficient knowledge or  
26 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
27 that basis denies each and every allegation contained therein.

1           36. Answering paragraph 36, Defendant is without sufficient knowledge or  
2 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
3 that basis denies each and every allegation contained therein.

4           37. Answering paragraph 37, Defendant is without sufficient knowledge or  
5 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
6 that basis denies each and every allegation contained therein.

7           38. Answering paragraph 38, Defendant is without sufficient knowledge or  
8 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
9 that basis denies each and every allegation contained therein.

10          39. Answering paragraph 39, Defendant is without sufficient knowledge or  
11 information to form a belief as to the truth of the remaining allegations contained in said  
12 paragraph, and on that basis denies each and every allegation contained therein.

13          40. Answering paragraph 40, Defendant is without sufficient knowledge or  
14 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
15 that basis denies each and every allegation contained therein.

16          41. Answering paragraph 41, Defendant admits that Plaintiffs seek injunctive relief,  
17 and but and for that admission is without sufficient knowledge or information to form a belief as  
18 to the truth of the remaining allegations contained in said paragraph, and on that basis denies  
19 each and every allegation contained therein.

20          42. Answering paragraph 42, Defendant admits that Plaintiffs seek damages for  
21 alleged violations of their civil rights, and but and for that admission is without sufficient  
22 knowledge or information to form a belief as to the truth of the remaining allegations contained  
23 in said paragraph, and on that basis denies each and every allegation contained therein.

24          43. Answering paragraph 43, Defendant is without sufficient knowledge or  
25 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
26 that basis denies each and every allegation contained therein.

27       ///

1           44. Answering paragraph 44, Defendant is without sufficient knowledge or  
2 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
3 that basis denies each and every allegation contained therein.

4           45. Answering paragraph 45, Defendant is without sufficient knowledge or  
5 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
6 that basis denies each and every allegation contained therein.

7           46. Answering paragraph 46, Defendant is without sufficient knowledge or  
8 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
9 that basis denies each and every allegation contained therein.

10          47. Answering paragraph 47, Defendant is without sufficient knowledge or  
11 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
12 that basis denies each and every allegation contained therein.

13          48. Answering paragraph 48, Defendant is without sufficient knowledge or  
14 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
15 that basis denies each and every allegation contained therein.

16                                   **FIRST CAUSE OF ACTION**

17          49. Answering paragraph 49, Defendant incorporates herein by reference each and  
18 every response to its answers to paragraphs 1 through 48 of the Complaint.

19          50. Answering paragraph 50, 42 U.S.C. § 12101 speaks for itself; otherwise,  
20 Defendant is without sufficient knowledge or information to form a belief as to the truth of the  
21 allegations contained in said paragraph, and on that basis denies each and every allegation  
22 contained therein.

23          51. Answering paragraph 51, 42 U.S.C. § 12102 speaks for itself; otherwise,  
24 Defendant is without sufficient knowledge or information to form a belief as to the truth of the  
25 allegations contained in said paragraph, and on that basis denies each and every allegation  
26 contained therein.

27       ///



1           52. Answering paragraph 52, 42 U.S.C. § 12181 et seq. speaks for itself; otherwise,  
2 Defendant is without sufficient knowledge or information to form a belief as to the truth of the  
3 allegations contained in said paragraph, and on that basis denies each and every allegation  
4 contained therein.

5           53. Answering paragraph 53, 42 U.S.C. § 12182 speaks for itself; otherwise,  
6 Defendant is without sufficient knowledge or information to form a belief as to the truth of the  
7 allegations contained in said paragraph, and on that basis denies each and every allegation  
8 contained therein.

9           54. Answering paragraph 54, § 302(b)(2)(a), 42 U.S.C. § 12182(b)(2)(a) speaks for  
10 itself; otherwise, Defendant is without sufficient knowledge or information to form a belief as to  
11 the truth of the allegations contained in said paragraph, and on that basis denies each and every  
12 allegation contained therein.

13           55. Answering paragraph 55, Defendant is without sufficient knowledge or  
14 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
15 that basis denies each and every allegation contained therein.

16           56. Answering paragraph 56, 42 U.S.C. § 12181(9) speaks for itself; otherwise,  
17 Defendant is without sufficient knowledge or information to form a belief as to the truth of the  
18 allegations contained in said paragraph, and on that basis denies each and every allegation  
19 contained therein.

20           57. Answering paragraph 57, Defendant is without sufficient knowledge or  
21 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
22 that basis denies each and every allegation contained therein.

23           58. Answering paragraph 58, 42 U.S.C. § 12188 speaks for itself; otherwise,  
24 Defendant is without sufficient knowledge or information to form a belief as to the truth of the  
25 allegations contained in said paragraph, and on that basis denies each and every allegation  
26 contained therein.

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1           59. Answering paragraph 59, 42 U.S.C. § 12188(a)(1) speaks for itself; otherwise,  
2 Defendant is without sufficient knowledge or information to form a belief as to the truth of the  
3 allegations contained in said paragraph, and on that basis denies each and every allegation  
4 contained therein.

5           60. Answering paragraph 60, Defendant admits Plaintiffs are seeking injunctive  
6 relief, and but and for that admission, Defendant is without sufficient knowledge or information  
7 to form a belief as to the truth of the allegations contained in said paragraph, and on that basis  
8 denies each and every allegation contained therein.

9                                   **SECOND CAUSE OF ACTION**

10           61. Answering paragraph 61, Defendant incorporates herein by reference each and  
11 every response to its answers to paragraphs 1 through 60 of the Complaint.

12           62. Answering paragraph 62, California Civil Code § 54 speaks for itself; otherwise,  
13 Defendant is without sufficient knowledge or information to form a belief as to the truth of the  
14 allegations contained in said paragraph, and on that basis denies each and every allegation  
15 contained therein.

16           63. Answering paragraph 63, California Civil Code § 54.1 speaks for itself;  
17 otherwise, Defendant is without sufficient knowledge or information to form a belief as to the  
18 truth of the allegations contained in said paragraph, and on that basis denies each and every  
19 allegation contained therein.

20           64. Answering paragraph 64, California Civil Code § 54.1 speaks for itself;  
21 otherwise, Defendant is without sufficient knowledge or information to form a belief as to the  
22 truth of the allegations contained in said paragraph, and on that basis denies each and every  
23 allegation contained therein.

24           65. Answering paragraph 65, California Civil Code § 54.3(a) speaks for itself;  
25 otherwise, Defendant is without sufficient knowledge or information to form a belief as to the  
26 truth of the allegations contained in said paragraph, and on that basis denies each and every  
27 allegation contained therein.

1           66. Answering paragraph 66, Defendant is without sufficient knowledge or  
2 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
3 that basis denies each and every allegation contained therein.

4           67. Answering paragraph 67, Defendant is without sufficient knowledge or  
5 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
6 that basis denies each and every allegation contained therein.

7           68. Answering paragraph 68, Defendant is without sufficient knowledge or  
8 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
9 that basis denies each and every allegation contained therein.

10          69. Answering paragraph 69, Defendant is without sufficient knowledge or  
11 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
12 that basis denies each and every allegation contained therein.

13          70. Answering paragraph 70, Defendant is without sufficient knowledge or  
14 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
15 that basis denies each and every allegation contained therein.

16                                   **THIRD CAUSE OF ACTION**

17          71. Answering paragraph 71, Defendant incorporates herein by reference each and  
18 every response to its answers to paragraphs 1 through 70 of the Complaint.

19          72. Answering paragraph 72, Health & Safety Code § 19955 speaks for itself;  
20 otherwise, Defendant is without sufficient knowledge or information to form a belief as to the  
21 truth of the allegations contained in said paragraph, and on that basis denies each and every  
22 allegation contained therein.

23          73. Answering paragraph 73, Health & Safety Code § 19956 speaks for itself;  
24 otherwise, Defendant is without sufficient knowledge or information to form a belief as to the  
25 truth of the allegations contained in said paragraph, and on that basis denies each and every  
26 allegation contained therein.

27       ///

1           74. Answering paragraph 74, Defendant is without sufficient knowledge or  
2 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
3 that basis denies each and every allegation contained therein.

4           75. Answering paragraph 75, Defendant is without sufficient knowledge or  
5 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
6 that basis denies each and every allegation contained therein.

7           76. Answering paragraph 76, Defendant is without sufficient knowledge or  
8 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
9 that basis denies each and every allegation contained therein.

10           77. Answering paragraph 77, Defendant is without sufficient knowledge or  
11 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
12 that basis denies each and every allegation contained therein.

13           78. Answering paragraph 78, Defendant is without sufficient knowledge or  
14 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
15 that basis denies each and every allegation contained therein.

16                           **FOURTH CAUSE OF ACTION**

17           79. Answering paragraph 79, Defendant incorporates herein by reference each and  
18 every response to its answers to paragraphs 1 through 78 of the Complaint.

19           80. Answering paragraph 80, the Unruh Act speaks for itself; otherwise, Defendant is  
20 without sufficient knowledge or information to form a belief as to the truth of the allegations  
21 contained in said paragraph, and on that basis denies each and every allegation contained  
22 therein.

23           81. Answering paragraph 81, Civil Code § 51.5 speaks for itself; otherwise,  
24 Defendant is without sufficient knowledge or information to form a belief as to the truth of the  
25 allegations contained in said paragraph, and on that basis denies each and every allegation  
26 contained therein.

27       ///

1           82. Answering paragraph 82, Defendant is without sufficient knowledge or  
2 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
3 that basis denies each and every allegation contained therein.

4           83. Answering paragraph 83, Defendant is without sufficient knowledge or  
5 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
6 that basis denies each and every allegation contained therein.

7           84. Answering paragraph 84, Defendant is without sufficient knowledge or  
8 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
9 that basis denies each and every allegation contained therein.

10                           **AFFIRMATIVE DEFENSES**

11                           **FIRST AFFIRMATIVE DEFENSE**

12           The Complaint as a whole, and each cause of action asserted therein, fails to state a  
13 claim upon which relief may be granted.

14                           **SECOND AFFIRMATIVE DEFENSE**

15           Defendant is informed and believes, and based thereon alleges, that Plaintiffs'  
16 Complaint, or parts thereof, is barred by the applicable statutes of limitations.

17                           **THIRD AFFIRMATIVE DEFENSE**

18           Although Defendant denies that Plaintiffs have been damaged in any way, if it should be  
19 determined that Plaintiffs have been damaged, then Defendant alleges, based on information and  
20 belief, that the proximate cause of such damage was the conduct of Plaintiffs or others for which  
21 Defendant was not and is not responsible.

22                           **FOURTH AFFIRMATIVE DEFENSE**

23           Defendant alleges, based on information and belief, that Plaintiffs' Complaint, or parts  
24 thereof, is barred because the accommodations sought by Plaintiffs are not required by law.

25                           **FIFTH AFFIRMATIVE DEFENSE**

26           Defendant alleges, based on information and belief, that any and all relevant portions of  
27 the Restaurant are reasonably accessible to and usable by individuals with disabilities in

1 accordance with the Americans with Disabilities Act and state statutes, and therefore Defendant  
2 is in compliance with applicable law.

3 SIXTH AFFIRMATIVE DEFENSE

4 Plaintiffs may not recover compensatory or punitive damages as a matter of law.

5 SEVENTH AFFIRMATIVE DEFENSE

6 Defendant alleges, based on information and belief, that the Complaint seeks  
7 accommodations and modifications of the facility that are excused by law because they are not  
8 readily achievable, would fundamentally alter the nature of the goods and services offered  
9 and/or would impose an undue hardship.

10 EIGHTH AFFIRMATIVE DEFENSE

11 Defendant alleges, based on information and belief, that at all times relevant to the  
12 Complaint, Defendant had good faith defenses, based in law and/or fact, which if successful  
13 would preclude any recovery by Plaintiffs based on the allegations of the Complaint.

14 NINTH AFFIRMATIVE DEFENSE

15 Although Defendant denies that Plaintiffs have been damaged in any way, if it should be  
16 determined that Plaintiffs have been damaged, then Defendant alleges, based on information and  
17 belief, that Plaintiffs have failed to mitigate their purported damages and further allege that, to  
18 the extent any damages could have been mitigated, such sums should be deducted from any  
19 award of damages.

20 TENTH AFFIRMATIVE DEFENSE

21 Although Defendant denies that Plaintiffs have been damaged in any way, if it should be  
22 determined that Plaintiffs have been damaged, then Defendant alleges, based on information and  
23 belief, that Defendant is entitled to have the amount abated, apportioned or reduced to the extent  
24 that any other parties' actions caused or contributed to damage, if there were any.

25 ELEVENTH AFFIRMATIVE DEFENSE

26 Defendant alleges, based on information and belief, that the Complaint, and each cause  
27 of action contained therein, is barred by the doctrines of estoppel and/or unclean hands.

1 TWELFTH AFFIRMATIVE DEFENSE

2 Defendant alleges, based on information and belief, that the Complaint, and each cause  
3 of action contained therein, is based on statutes that, in the context of this lawsuit, are void,  
4 invalid and otherwise unenforceable as violative of the due process clauses of the United States  
5 and California Constitutions.

6 THIRTEENTH AFFIRMATIVE DEFENSE

7 Defendant alleges, based on information and belief, that Plaintiffs' Complaint is barred  
8 to the extent that it seeks equivalent service, access and enjoyment of the Restaurant which is  
9 excused by law because it is not readily achievable and/or alternative methods of accessibility  
10 are availability.

11 FOURTEENTH AFFIRMATIVE DEFENSE

12 Defendant alleges, based on information and belief, that Plaintiffs' Complaint, and each  
13 cause of action contained therein, fails as a matter of law because Plaintiffs failed to give  
14 Defendant notice of the need for accommodation or assistance.

15 FIFTEENTH AFFIRMATIVE DEFENSE

16 Defendant alleges that to the extent Plaintiffs' claims seek to deprive Defendant of the  
17 use of the Restaurant or to fundamentally alter the use of Defendant's property, such claims  
18 would be barred as an unfair taking of property under the United States and California  
19 Constitutions.

20 SIXTEENTH AFFIRMATIVE DEFENSE

21 Defendant asserts that Plaintiffs are vexatious litigants as that term is defined in *Molski*  
22 *v. Evergreen Dynasty* (9<sup>th</sup> Cir. 2007) 500 Fed.3d 1047, and as such, should be barred from  
23 proceeding with this lawsuit.

24 Wherefore, Centennial Restaurants LLC prays for the following relief:

- 25 1. That Plaintiffs take nothing by reason of their Complaint;  
26 2. That judgment be entered in favor of Centennial Restaurants LLC;  
27 3. For costs of suit incurred herein;

- HUGHES & GILL, P.C.**

By: Matthew P. Harrington  
Matthew P. Harrington  
Attorneys for Defendant  
Centennial Restaurants LLC

Defendant Centennial Restaurants LLC hereby demands a jury for all claims for which a jury is permitted.

**HUGHES & GILL, P.C.**

By: Matthew P. Harrington  
Matthew P. Harrington  
Attorneys for Defendant  
Centennial Restaurants LLC



*Yates, et al. v. Burger King #3157, et al.*  
U.S. District Court No. C08-00737 JCS

**PROOF OF SERVICE**

I declare that:

I am employed in the County of Contra Costa. On April 28, 2008, I served the following document(s):

**DEFENDANT CENTENNIAL RESTAURANTS LLC'S ANSWER TO COMPLAINT FOR  
INJUNCTIVE RELIEF AND DAMAGES**

\_\_\_\_\_ (by mail) on all parties in said action, in accordance with California Code of Civil Procedure §1013a(3) by placing a true copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth below. At the Law Offices of Hughes & Gill, mail is placed in that designated area, is given the correct amount of postage and is deposited that same day, in the ordinary course of business, in the United States mailbox in the City of Walnut Creek, California.

\_\_\_\_\_ (by personal delivery) by personally delivering a true copy thereof to the person and at the street address set forth below.


\_\_\_\_\_ (by Federal Express) delivery to all parties, with charges thereon fully prepaid, in a Federal Express collection box, at Walnut Creek, California, and addressed as set forth below.

\_\_\_\_\_ (by electronic transfer) to all parties (listed below) through the Pacer system. The file transmission was reported as complete and a copy of the court's confirmation will be maintained with the original document(s) in our office. My electronic business address is [lsenft@hughes-gill.com](mailto:lsenft@hughes-gill.com).

**Attys for Plff**

Thomas E. Frankovich, Esq.  
2806 Van Ness Ave.  
San Francisco, CA 94109  
415-674-8600  
415-674-9900  
[tfrankovich@disabilitieslaw.com](mailto:tfrankovich@disabilitieslaw.com)

I declare under penalty of perjury, under the laws of the United States, that the foregoing is true and correct, and that this declaration was executed on April 28, 2008, at Walnut Creek, California.

  
LINDA SENFT